

VZCZCXRO2268  
RR RUEHHM RUEHLN RUEHMA RUEHPB  
DE RUEHLO #5267/01 1991457  
ZNR UUUUU ZZH  
R 181457Z JUL 06  
FM AMEMBASSY LONDON  
TO RUEHC/SECSTATE WASHDC 7491  
RUWDQAC/COMDT COGARD WASHINGTON DC//G-CI/G-L/G-P/G-PC/G-PCA/G-PCV/G-PS/  
RUEAWJA/DEPT OF JUSTICE WASHDC  
RUEHZN/ENVIRONMENT SCIENCE AND TECHNOLOGY COLLECTIVE  
RHEFHLC/HOMELAND SECURITY CENTER WASHINGTON DC

UNCLAS SECTION 01 OF 03 LONDON 005267

SIPDIS

SIPDIS

COGARD FOR DC//G-CI/G-L/G-P/G-PC/G-PCA/G-PCV/G-PS//  
STATE PLEASE PASS TO MARAD AND NTSB  
STATE PLEASE PASS TO IO/OIC FOR MORRISSEY, M.C.

E.O. 12958: N/A

TAGS: [AORC](#) [IMO](#) [EWWT](#) [PHSA](#) [SENV](#) [KTIA](#) [UK](#)

SUBJECT: INTERNATIONAL MARITIME ORGANIZATION (IMO): REPORT OF THE  
FLAG STATE IMPLEMENTATION SUB-COMMITTEE 14TH SESSION, LONDON, 05-09  
JUNE 2006.

11. SUMMARY: The 14th session of the Flag State Implementation Subcommittee (FSI 14 S/C) met at IMO Headquarters, London, UK. Mrs. Tatjana Krilic of Croatia chaired the meeting. The meeting was attended by seventy members, two associate members, one United Nations specialized agency, two intergovernmental organizations, nine intergovernmental organizations and fifteen non-governmental organizations. All obtainable U.S. objectives were achieved.

FSI 14 S/C:

- Agreed to the draft Survey Guidelines under the HSSC for the purpose of the BWM Convention, for submission to MEPC 55;
- Agreed to the draft form for the AIS Test Report, for further review by NAV 52;
- Agreed to the draft Guidelines on annual testing of Voyage Data Recorders (VDR) and simplified Voyage Data Recorders (S-VDR) incorporating the Form for the Voyage Data Recorder Performance Test Certificate, for review by NAV 52 prior to submission to MSC 82;
- Agreed to the draft Guidelines for pre-planning of surveys in dry-dock of ships which are not subject to the Enhanced Programme of Inspections under resolution A.744(18), as amended, for submission to MSC 82 for consideration and action as appropriate.

END SUMMARY

12. Decisions of other IMO Bodies: FSI 14 was informed by the IMO Secretariat that the Port Reception Facility Database module of the

SIPDIS

Global Integrated Shipping Information System (GISIS) had been completed. FSI had previously recommended, upon completion of the module, that hard copy of the IMO circulars containing current reception facilities will cease. MEPC 54 endorsed this recommendation and the circulars will no longer be promulgated.

13. Responsibilities of Governments and Measures to Encourage Flag State Compliance: Significant discussions took place regarding the identification of common areas between the International Ship and Port Facility Security (ISPS) Code and the International Ship Management (ISM) Code and the merging of those areas, with respect to the auditing of implementation of these Codes. Some Member States believed that the combining of these audits would reduce the impact of audits on companies. The U.S. and other like-minded Member States believe that the merging of these areas during an audit may be appropriate at a future date but that enough time must be provided during a merged audit so that the current levels of detailed examination are maintained. The issue was referred to MSC 82 for review and further action. One possible action by MSC may be to refer the proposal to the joint MSC/MEPC working group to study revisions of the International Safety Management (ISM) Code. That group that will convene concurrent with MSC 82.

14. Mandatory Reports Under MARPOL 73/78: FSI 14 noted that only 27

parties and one associate member had submitted the required reports for 2004; a 21% compliance rate. The sub-committee agreed that the result and rate of mandatory reporting was disappointing in spite of simplification of the reporting form and again urged members to fulfill their mandatory obligations. In this regard, the S/C approved a draft FSI circular, encouraging member States to comply with the annual reporting requirements for MARPOL 73/78, as outlined in MEPC/Circ.318.

15. Casualty Statistics and Investigations: The Sub-Committee considered the report of the Working Group on Casualty Statistics and Investigations which contained information based on the analysis of 75 reports of investigations into casualties, an overview of lessons learned and a draft text of narratives of lessons learned for presentation to seafarers. The Sub-Committee agreed to the text of the analyses and authorized their release to the public on the Global Integrated Shipping Information System (GISIS). The Sub-Committee agreed to the overview of lessons learned, and noted that reports on deaths resulting from entry into enclosed spaces and on deaths and serious injuries associated with mooring and unmooring ships were received with a disturbing regularity. The Sub-Committee agreed that Member States would 'target' such accidents with a view to submitting reports for analysis and possible reference to the appropriate technical sub-committees. The Sub-Committee approved the Lessons Learned for Presentation to Seafarers for release on the IMO website following the review carried out by the Secretariat in co-operation with the Chairmen of the relevant sub-committees. The correspondence group on casualty analysis was re-established.

16. Review of the Code for the Investigation of Marine Casualties and Incidents: Having considered the outcome of the working group, the Sub-Committee noted the review of the entire Code for the investigation of marine casualties and incidents, including the Foreword, General provisions, Mandatory standards, and Recommended practices, which took into consideration resolution LEG.3(91). Having considered the text of the draft Code and, in particular, the

LONDON 00005267 002 OF 003

question of which parts should be made mandatory, the Sub-Committee agreed in principle that all the chapters contained in part II (Mandatory standards) should remain mandatory, subject to further review by a correspondence group. In this regard, the Sub-Committee agreed that chapter 3 (Application), chapter 4 (Responsible Authority), chapter 5 (Notification) and chapter 6 (Requirement to Investigate Very Serious Casualties) should be mandatory in their entirety, while chapter 7 (Flag State's Agreement With Another Substantially Interested State to Conduct a Marine Safety Investigation) and chapter 8 (Powers to collect evidence) would need to be reviewed in order to remove provisions which were not considered as being mandatory. With regard to part III (Recommended practices), the Sub-Committee developed draft alternative text to be further considered, together with the entire revised draft Code for the investigation of marine casualties and incidents, intersessionally. To proceed with this work, the correspondence group on the Review of the Code for the Investigation of Marine Casualties and Incidents was re-established.

17. Harmonization of Port State Control Activities: Port State Control (PSC) Regional Memoranda of Understanding (MOUs) presented statistics regarding their activities in 2004 and 2005. The USCG presented a report showing a continuing decline in the detention rate in U.S. ports. The Sub-committee requested that all PSC MOUs and the USCG submit annual reports to FSI 15. General discussion took place regarding the assistance provided by the more established PSC MOUs to the developing MOUs. It was noted that the Black Sea MOU had made significant improvements in its structure and created a "road map" for continued improvement. The S/C requested that their organization submit this information to FSI 15 to assist other developing MOUs with their improvement. The S/C convened a working group consisting of Member States and PSC MOUs to move forward on harmonization efforts. Broad areas of harmonization of PSC practices and data systems were discussed. Also the WG was tasked with the development of PSC Guidelines on inspection of seafarers' working hours and the associated draft MSC resolution to be submitted to MSC 82 for adoption. A general framework was developed for a way forward on harmonization efforts and the PSC Guidelines were drafted.

¶18. Development of guidelines for Port State Control under the 2004 BWM Convention: The IMO Secretariat submitted a base document for review by FSI. Basic guidelines were developed by the previous session of the IMO's Sub-Committee on Bulk Liquids and Gases and this made up the Secretariat's submission. FSI 14 felt that it was premature to develop these guidelines before a standard sample analysis methodology is agreed upon. As a result, the Sub-Committee agreed to invite the MEPC to extend the target completion date of these Guidelines from 2006 to 2008.

¶19. Review of the Survey Guidelines under the Harmonized System of Survey and Certification (HSSC)-(Resolution A.948(23)): The FSI S/C agreed to establish a working group to develop Guidelines for pre-planning of surveys in dry-dock of ships which are not subject to the Enhanced Programme of Inspections, to review the draft Guidelines on annual testing of Voyage Data Recorders (VDR) and simplified Voyage Data Recorders (S-VDR), to develop a draft form for the AIS Test Report, review the draft Survey Guidelines under the HSSC for the purpose of the BWM Convention for submission to MEPC 55, and for other tasks. The working group completed the majority of these tasks. The Sub-Committee, having noted the group's recommendation regarding future work on the review of resolution A.948(23), agreed to the establishment of a correspondence group, to further progress the work in the intersessional period.

¶10. Development of survey guidelines required by regulation E-1 of the 2004 BWM Convention: The intersessional correspondence group for the Review of the Survey Guidelines under the Harmonized System of Survey and Certification took action on this issue between FSI 13 and FSI 14. At FSI 14, the guidelines were finalized. However, as the BWM Convention has not yet entered into force, the S/C decided that the developed guidelines would be kept in abeyance as an annex to the S/C report.

¶11. Port reception facilities-related issues: A draft action plan to combat the problem of inadequate reception facilities was developed and circulated to FSI 14 for review and action, as necessary. This action plan contained a brief description of the problem, a priority and the responsible IMO body to review the problem. The S/C systematically reviewed the action plan and submitted requested changes to MEPC 55 for their approval.

¶12. Consideration of IACS Unified Interpretations: One small issue relating to the amendment of certificates issued under the International Ship and Port Facility Security Code was brought to

LONDON 00005267 003 OF 003

the attention of the S/C. After a brief discussion, the issue was forwarded to MSC 82 for their consideration/action.

¶13. Illegal, Unreported, and Unregulated (IUU) Fishing: The IMO Secretariat submitted one paper under this agenda item outlining

SIPDIS

their activities relating to IUU Fishing since the last S/C meeting. They urged members to become contracting parties to the 1993 Torremolinos Protocol and the 1995 STCW-F Convention with hopes that this will improve problems associated with safety and IUU Fishing. The paper also outlined the past and future joint meetings between the IMO and the Food and Agriculture Organization of the United Nations. The next joint meeting is to take place in July 2007. Preparations are ongoing. Some member States expressed their support for the work carried out by the IMO and FAO to combat IUU Fishing and promote a safe working environment aboard fishing vessels.

¶14. Election of Chairman and Vice-Chairman for 2007: The sub-committee re-elected by acclamation Mrs. Tatjana Krilic of Croatia as chairman and Captain Guillermo Rangel of Venezuela as vice-chairman for 2006 and 2007.

¶15. Next Session: The chairman announced that FSI 14 is tentatively scheduled for 04-08 June 2007 at the Royal Horticultural Halls and Conference Centre in London. FSI 14 agreed that the following working groups are expected to be established at FSI 15: casualty analysis and review of the Code for the investigation of marine casualties and incidents, review of the Survey Guidelines under the

HSSC (resolution A.948(23)), and harmonization of port State control activities and development of guidelines on port State control under the 2004 BWM Convention. Other major areas of consideration expected to be discussed during FSI 15 will include: Mandatory Reports Under MARPOL 73/78; Port reception facilities-related issues, Comprehensive analysis of difficulties encountered in the implementation of IMO Instruments, Development of guidelines on port State control under the 2004 BWM Convention, and Review of the Code for the investigation of marine casualties and incidents.

TUTTLE